

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

El Paso Long Distance Company	:	
d/b/a Fairpoint Long Distance/	:	
El Paso Long Distance Company	:	
	:	10-0024
Petition for emergency relief to protect	:	
Petitioner's 2009 Annual Report from	:	
disclosure for not less than five years in	:	
order to protect highly proprietary	:	
information.	:	

ORDER

By the Commission:

On January 7, 2010, El Paso Long Distance Company d/b/a Fairpoint Long Distance/El Paso Long Distance Company ("Petitioner") filed a verified petition requesting that the Illinois Commerce Commission ("Commission") enter an order protecting Petitioner's 2009 Annual Report from disclosure for a period of not less than five years.

Petitioner is certified by the Commission to provide competitive telecommunications services in Illinois. The petition indicated that Petitioner's 2009 Annual Report contains commercial and financial information that is proprietary and confidential, the disclosure of which to competitors could be detrimental to Petitioner. The petition also indicated that because the telecommunications industry is highly competitive, it is imperative that public disclosure of confidential information contained in Petitioner's 2009 Annual Report be avoided for a period of at least five years following issuance of an Order by the Commission, due to the competitive harm such disclosure would likely cause Petitioner.

Since it is the Commission's recent practice to grant confidential and proprietary treatment to Annual Reports for a two year time period and this will continue to be the Commission's practice in the future, the Administrative Law Judge issued a ruling directing Petitioner to explain why it believed a five year time period was warranted. Petitioner responded by amending the length of time requested in its Petition to two years. Because all facts necessary for the Commission to grant the requested relief are contained in the petition as amended, the Administrative Law Judge waived the hearing and the record was marked "Heard and Taken".

The Commission having considered the entire record herein and being fully advised in the premises is of the opinion and finds that:

- (1) El Paso Long Distance Company d/b/a Fairpoint Long Distance/El Paso Long Distance Company is a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act ("Act") which provides competitive telecommunications service as defined in Section 13-209 of the Act;
- (2) the Commission has jurisdiction over Petitioner and the subject matter herein;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the petition and are hereby adopted as findings of fact;
- (4) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspections, unless otherwise ordered by the Commission;
- (5) Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;
- (6) the verified petition states that 2009 Petitioner's Annual Report for falls within the exemption stated in Finding (5);
- (7) Petitioners' 2009 Annual Report should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information act and Section 5-109 of the Public Utilities Act for a period of two (2) years from the date of this Order;
- (8) Petitioner should file with the Chief Clerks office both a proprietary Annual Report and a redacted public Annual Report along with a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered. Only the specific information deemed proprietary should be redacted from the public version.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 2009 Annual Report for El Paso Long Distance Company d/b/a Fairpoint Long Distance/El

Paso Long Distance Company be afforded proprietary treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of two (2) years from the date of this Order.

IT IS FURTHER ORDERED that both a proprietary Annual Report and a redacted public Annual Report shall be filed with the Chief Clerks office along with a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over El Paso Long Distance Company d/b/a Fairpoint Long Distance/El Paso Long Distance Company and the subject matter hereof for the purpose of issuing such further order or orders as it may deem necessary.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 10th day of March, 2010.

(SIGNED) MANUEL FLORES

Acting Chairman